

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**SEAN M. DONAHUE,** :

**Plaintiff** : **CIVIL ACTION NO. 3:14-1351**

**v.** : **(MANNION, D.J.)**

**CITY OF HAZELTON, *et al.*,** :

**Defendants** :

**ORDER**

As set forth in the memorandum issued this same day, **IT IS HEREBY**

**ORDERED THAT:**

- (1)** Judge Mehalchick's report and recommendation, **(Doc. 105)**, is **ADOPTED IN ITS ENTIRETY**;
- (2)** the motion for summary judgment of defendants, **(Doc. 80)**, regarding all of the claims against them raised in the plaintiff's complaint, **(Doc. 1)**, Counts I-IV, except for the plaintiff's second 4<sup>th</sup> Amendment excessive force claim in Count I (regarding the pointing of defendants' guns at plaintiff after he was handcuffed), is **GRANTED**, and **JUDGMENT** is entered in favor of the defendants and against the plaintiff with respect to all of the stated claims;
- (3)** the motion for summary judgment of the defendants, **(Doc. 80)**, regarding the plaintiff's second 4<sup>th</sup> Amendment excessive force

claim in Count I (regarding the pointing of defendants' guns at plaintiff after he was handcuffed), as against all of the individual named defendants, as well as his municipal liability excessive force claim against the City of Hazelton under *Monell*, is **DENIED**, and this claim will proceed to trial;

- (4) the John and Jane Doe defendants are dismissed from this case *sua sponte* by the court pursuant to Fed.R.Civ.P. 21;
- (5) the plaintiff's motions to compel, (**Docs. 72 & 75**), and the plaintiff's motion for sanctions, (**Doc. 90**), are **DENIED**;
- (6) the defendants' objections, (**Doc. 109**), and the plaintiff's objections, (**Doc. 111**), to Judge Mehalchick's report are **OVERRULED**; and
- (7) the plaintiff's motion to exceed the page limitation with respect to his reply brief, (**Doc. 122**), is **GRANTED**.

s/ Malachy E. Mannion

**MALACHY E. MANNION**  
**United States District Judge**

**Dated: August 3, 2020**

14-1351-01-ORDER